



## Handler Details



EXXONMOBIL OIL CORP PORT MOBIL

STATEN ISLAND

NYD981138258

Universes for New York

View Universes for NY

## Handler Universes

Active Status	Controls in Place	In a Universe	Gen. Status	Transporter	Univ. Waste	Recycler	Used Oil	Furnace Exempt	Importer	Onsite Burner Exempt	Mixed Waste Gen.	Underground Injection
----	N	N	N	N	N	N	NNNNNNN	N	N	N	N	N

## Permitting and Corrective Action Universes

Permit Workload	Closure Workload	Post-Closure Workload	Permit Progress	CA Workload	Subject to CA	Subject to CA - TSD	Subject to CA - Discretion	Subject to CA - Non-TSD
----	----	----	----	N	N	N	N	N

## Compliance, Monitoring and Enforcement and GPRA Universes

Full Enforcement	Operating TSD	SNC	BOYSNC	Permit GPRA	Renewals GPRA	CA GPRA
----	----	N	N	N	N	N

## Source Summary Table

\*\* indicates this source record was used for the Universe Calculations.

Act. Loc.	▲ Source ▼	Sequence	▲ Receipt date ▼	▲ Certification date ▼	Non-notifier
NY	** I	3	01/01/2007	01/01/2007	
NY	I	2	01/01/2006	01/01/2006	
NY	N	2	07/31/2001		
NY	I	1	02/02/1993		
NY	R	2	02/17/1992	02/17/1992	
NY	R	1	03/01/1990		
NY	N	1	10/03/1985		

[Add Site Identification Form](#)[Inactivate this Handler](#)[Site Detail Report](#)[Maintain Other IDs](#)[Historical Data](#)

Go To

[Back to the Transaction Menu](#)

URL: /rcrainfo/handler/handler\_main.jsp





**ACKNOWLEDGEMENT OF NOTIFICATION  
OF  
HAZARDOUS WASTE ACTIVITY**

08/28/2001

This is to acknowledge that you have filed a **Notification of Hazardous Waste Activity** for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

**EPA I.D. NUMBER**

**NYD981138258**

**INSTALLATION NAME**

**EXXONMOBIL OIL CORP PORT MOBIL**

**INSTALLATION ADDRESS**

**4101 ARTHUR KILL RD  
PO BOX 188  
STATEN ISLAND, NY 103091106**

**MAILING ADDRESS**

**4101 ARTHUR KILL RD  
PO BOX 188  
STATEN ISLAND, NY 103091106**

EPA Form 8700-12AB (4-80)

**USEPA - REGION 2  
RCRA Programs Branch  
290 Broadway, 22<sup>nd</sup> Floor  
New York, NY 10007-1866**

**ATTN: JACK HOYT  
Tel : (212) 637-4106  
Fax: (212) 637-4949**

**TO: EXXONMOBIL OIL CORP PORT MOBIL  
or Current Occupant  
ATTN: SAL BALESTRIERE - SUPERINTENDENT  
4101 ARTHUR KILL RD  
PO BOX 188  
STATEN ISLAND, NY 103091106**



Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

Form Approved, OMB No. 2050-0028 Expires 12/31/02  
GSA No. 0246-EPA-OT

Please refer to Section V, Line-by-Line Instructions for Completing EPA Form 8700-12 before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



# Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received  
(For Official Use Only)

## I. Installation's EPA ID Number (Mark 'X' in the appropriate box)

☐

A. Initial Notification

☒

B. Subsequent Notification  
(Complete item C)

C. Installation's EPA ID Number

0 0 0 8 2 4 5 1 6 NYD

## II. Name of Installation (Include company and specific site name)

E X X O N M O B I L O I L C O R P P O R T M O B I L

## III. Location of Installation (Physical address not P.O. Box or Route Number)

Street 4101

4 1 0 1 A R T H U R K I L L R O A D

Street (Continued)

City or Town

S T A T E N I S L A N D

State

Zip Code

N Y 1 0 3 0 9 - 1 1 0 6

County Code

County Name

R I C H M O N D

## IV. Installation Mailing Address (See instructions)

Street or P.O. Box

4 1 0 1 A R T H U R K I L L R D P O B O X 1 8 8

City or Town

State

Zip Code

S T A T E N I S L A N D N Y 1 0 3 0 7 - 0 1 8 8

## V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (Last)

(First)

B A L E S T R I E R E

S A L

Job Title

Phone Number (Area Code and Number)

S U P E R I N T E N D E N T

7 1 8 - 9 6 6 - 2 0 0 5

## VI. Installation Contact Address (See instructions)

A. Contact Address  
Location Mailing

☐☒

B. Street or P.O. Box

City or Town

State

Zip Code

## VII. Ownership (See instructions)

### A. Name of Installation's Legal Owner

E X X O N M O B I L O I L C O R P O R A T I O N

Street, P.O. Box, or Route Number

4 1 0 1 A R T H U R K I L L R O P O 1 8 8

City or Town

State

Zip Code

S T A T E N I S L A N D N Y 1 0 3 0 7 - 0 1 8 8

Phone Number (Area Code and Number)

B. Land Type

C. Owner Type

D. Change of Owner  
Indicator

Date Changed  
Month Day Year

7 1 8 - 9 6 6 - 2 0 0 5

P

P

Yes

No

New Name

address verified  
By uspo.

NYD 981 138 258



Please print or type with ELITE type (12 characters per inch) in the Unshaded areas only

Form Approved, OMB No. 2050-0028 Expires 12/31/02  
GSA No. 0246-EPA-OTHAZARDOUS & SOLID WASTE  
PROGRAMS BRANCH

ID - For Official Use Only

## VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to Instructions)

## A. Hazardous Waste Activities

1. Generator (See Instructions)  
☒ a. Greater than 1000kg/mo (2,200 lbs.)  
☐ b. 100 to 1000 kg/mo (220-2,200 lbs.)  
☐ c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1-5 below)  
☐ a. For own waste only  
☐ b. For commercial purposes
- Mode of Transportation  
☐ 1. Air  
☐ 2. Rail  
☒ 3. Highway  
☐ 4. Water  
☐ 5. Other - specify \_\_\_\_\_
3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity, see instructions.
4. Exempt Boiler and/or Industrial Furnace  
☐ a. Smelting, Melting, and Refining Furnace Exemption  
☐ b. Small Quantity On-Site Burner Exemption
5. Underground Injection Control

## C. Used Oil Management Activities

1. Used Oil Transporter/Transfer Facility - Indicate Type(s) of Activity(ies)  
☐ a. Transporter  
☐ b. Transfer Facility
2. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)  
☐ a. Processor  
☐ b. Re-refiner
3. Off-Specification Used Oil Burner
4. Used Oil Fuel Marketer  
☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Used Oil Burner  
☐ b. Marketer Who First Claims the Used Oil Meets the Specifications

## B. Universal Waste Activity

- ☒
- Large Quantity Handler of Universal Waste

## IX. Description of Hazardous Wastes (Use additional sheets if necessary)

## A. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1	2	3	4	5	6
7	8	9	10	11	12

## B. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24; See instructions if you need to list more than 4 toxicity characteristic waste codes.)

(List specific EPA hazardous waste number(s) for the Toxicity Characteristic contaminant(s))

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic	1	2	3	4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D 0 0 6	D 0 0 7	D 0 0 8	D 0 1 8

## C. Other Wastes. (State-regulated or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6
D 0 2 7	D 0 3 9	D 0 4 0	D 0 0 9		

## X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Name and Official Title (Type or print)

Sal Balestriere - Terminal Manager

Date Signed

7/29/01

## XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section IV of the booklet for addresses.)

**ExxonMobil**  
**Refining and Supply Company**  
Port ExxonMobil Terminal  
4101 Arthur Kill Road  
Staten Island, New York 10309  
718 966 2000 Telephone  
718 966 2001 Facsimile

**ExxonMobil**  
**Refining & Supply**  
U.S. EPA  
AGENCY ROUTE  
AUG 2 PM 2:08  
Hazardous Waste & Solid Waste  
PROGRAMS BRANCH

July 27, 2001

**VIA OVERNIGHT MAIL**

Jack Hoyt  
U.S. Environmental Protection Agency, Region II  
RCRA Notifications  
290 Broadway, 21st Floor  
New York, New York 10007

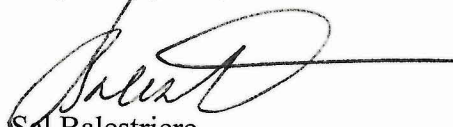
Re: Mobil Oil Corporation Name Change  
Port Mobil Terminal  
RCRA Identification Number NYD000824516

Dear Mr. Hoyt:

I am writing on behalf of Mobil Oil Corporation with respect to its Port Mobil terminal located at 4101 Arthur Kill Road, Staten Island, New York 10309. Please be advised that with an effective date of June 1, 2001, Mobil Oil Corporation has changed its name to ExxonMobil Oil Corporation. This is a change in name only. It is not a change in the owner, operator or control of the corporation or of any facility. All facility operations and operating conditions will remain the same.

Accordingly, this is to formally request that you update your records to reflect that the name "Mobil Oil Corporation" has changed to "ExxonMobil Oil Corporation" with respect to RCRA Identification Number NYD000824516. I have enclosed a completed Form 8700-12. Should you have any questions about this request, please call Claudine Gorman at (703) 846-1111. Thank you for your assistance in this matter.

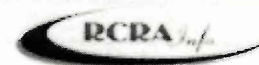
Very truly yours,

  
Sal Balestriere  
Manager - Port Mobil Terminal





## Handler Information



**PORT MOBIL TANK CLEANING PLANT STATEN ISLAND**

**NYD981138258**

Select the information to process:

Basic Handler Information						
Handler Id	Handler Name	Facility Identifier	Extract Flag	Region	State	Universes
NYD981138258	PORT MOBIL TANK CLEANING PLANT		X	02	NY	

Previous Name Information		
Act Loc	Receive Date	Handler Name

Location Address Information								
Act Loc	Street No.	Street	City	County	State	Zip	Land Type	State District
NY	4101	ARTHUR KILL RD ELLIS RD	STATEN ISLAND	RICHMOND	NY	10309		NYSDEC R2

Mailing Address Information					
Act Loc	Street No.	Street	City	State	Zip
NY	4101	ARTHUR KILL RD ELLIS RD	STATEN ISLAND	NY	10309

Contact Information									
Act Loc	Type	Title	First Name	Last Name	Phone	Street	City	State	Zip
NY	N	SUPERINTENDENT	WILLIAM	MAYHEW	718-948-5445	4101 ARTHUR KILL RD ELLIS RD	STATEN ISLAND	NY	10309

Owner Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
NY	1	CO	P		OWNERNAME	212-555-1212	NOT REQUIRED	NOT REQUIRED	WY	99999

Operator Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip

Miscellaneous Information									
Act Loc	Previous Id	Second Id	Ack Flag	Ack Date	River Basin	TSD Date	Non-notifier	Off-site receipt	Accessibility
NY				11/4/1985					

Location Coordinates			
Act Loc	Source	Latitude Measure	Longitude Measure
NY			

Environmental Priority Ranking			
Act Loc	EPR Date	EPR Status	EPR Notes

SIC Information				
Act Loc	Seq	Source	Code	Primary

Other Permit Information			
Act Loc	Number	Type	Permit Description

Activity Summary Information										
Act Loc	Source	Seq	Receipt Date	Gen - Fed Reg.	Trans - Fed Reg.	TSD - Fed Reg.	HW Fuel - Fed Reg.	Used Oil - Fed Reg.	UIC	Recy
NY	<u>E</u>	1	2/2/1993	N - N	-	-	-	-		
NY	<u>N</u>	1	10/3/1985	N - R	-	-	-	-		

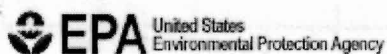
Hazardous Waste Stream Information							
Act Loc	Sequence	Source	Date	Amount	Unit of Measure	Desc	
NY	<u>0001</u>	E	2/2/1993	0			
NY	<u>0001</u>	N	10/3/1985	0			

Go To

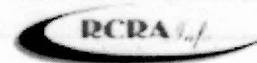


URL: /Handler/HAND\_info\_main.asp





## Handler Information


**PORT MOBIL TANK CLEANING PLANT STATEN ISLAND**
**NYD981138258**

Select the information to process:

Basic Handler Information						
Handler Id	Handler Name	Facility Identifier	Extract Flag	Region	State	Universes
NYD981138258	PORT MOBIL TANK CLEANING PLANT		X	02	NY	

Previous Name Information		
Act Loc	Receive Date	Handler Name

Location Address Information								
Act Loc	Street No.	Street	City	County	State	Zip	Land Type	State District
NY	4101	ARTHUR KILL RD ELLIS RD	STATEN ISLAND	RICHMOND	NY	10309		NYSDEC R2

Mailing Address Information					
Act Loc	Street No.	Street	City	State	Zip
NY	4101	ARTHUR KILL RD ELLIS RD	STATEN ISLAND	NY	10309

Contact Information									
Act Loc	Type	Title	First Name	Last Name	Phone	Street	City	State	Zip
NY	N	SUPERINTENDENT	WILLIAM	MAYHEW	718-948-5445	4101 ARTHUR KILL RD ELLIS RD	STATEN ISLAND	NY	10309

Owner Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
NY	1	CO	P		OWNERNAME	212-555-1212	NOT REQUIRED	NOT REQUIRED	WY	99999

Operator Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip

Miscellaneous Information									
Act Loc	Previous Id	Second Id	Ack Flag	Ack Date	River Basin	TSD Date	Non-notifier	Off-site receipt	Accessibility
NY				11/4/1985					

Location Coordinates			
Act Loc	Source	Latitude Measure	Longitude Measure
NY			

Environmental Priority Ranking			
Act Loc	EPR Date	EPR Status	EPR Notes

SIC Information				
Act Loc	Seq	Source	Code	Primary

Other Permit Information			
Act Loc	Number	Type	Permit Description

Activity Summary Information										
Act Loc	Source	Seq	Receipt Date	Gen - Fed Reg.	Trans - Fed Reg.	TSD - Fed Reg.	HW Fuel - Fed Reg.	Used Oil - Fed Reg.	UIC	Recy
NY	<u>E</u>	1	2/2/1993	N - N	-	-	-	-		
NY	<u>N</u>	1	10/3/1985	N - R	-	-	-	-		

Hazardous Waste Stream Information						
Act Loc	Sequence	Source	Date	Amount	Unit of Measure	Desc
NY	<u>0001</u>	E	2/2/1993	0		
NY	<u>0001</u>	N	10/3/1985	0		

Go To

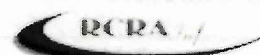


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## Handler Information


**MOBIL OIL PORT MOBIL TERMINAL**
**STATEN ISLAND**
**NYD000824516**

Select the information to process:

Basic Handler Information						
Handler Id	Handler Name	Facility Identifier	Extract Flag	Region	State	Universes
NYD000824516	MOBIL OIL PORT MOBIL TERMINAL		X	02	NY	CAWRKLD <input type="checkbox"/>

Previous Name Information		
Act Loc	Receive Date	Handler Name

Location Address Information								
Act Loc	Street No.	Street	City	County	State	Zip	Land Type	State District
NY		FOOT OF ELLIS RD	STATEN ISLAND	RICHMOND	NY	10309	P	NYSDEC R2

Mailing Address Information					
Act Loc	Street No.	Street	City	State	Zip
NY		PO BOX 187	STATEN ISLAND	NY	10309

Contact Information									
Act Loc	Type	Title	First Name	Last Name	Phone	Street	City	State	Zip
NY	A	TERMINAL MGR	EDWARD	ERLENMEYER	718-966-2005	PO BOX 070-188	STATEN ISLAND	NY	103070002
NY	N	TERMINAL SUPT	R R	FISSETTE	212-948-2200	FOOT OF ELLIS RD	STATEN ISLAND	NY	10309

Owner Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
NY	1	CO	P		MOBIL OIL CORP	703-849-3700	3235 GALLOWS RD	FAIRFAX	VA	220370001

Operator Information										
Act Loc	Seq	Indicator	Type	Change Date	Owner/Operator Name	Phone	Street	City	State	Zip
NY	<u>2</u>	CP	P		MOBIL OIL CORPORATION	703-849-4916	3225 GALLOWS RD	FAIRFAX	VA	220370001

Miscellaneous Information									
Act Loc	Previous Id	Second Id	Ack Flag	Ack Date	River Basin	TSD Date	Non-notifier	Off-site receipt	Accessibility
NY				3/7/1994		9/25/1990			

Location Coordinates			
Act Loc	Source	Latitude Measure	Longitude Measure
NY	A	40 32 47.3	074 14 36.5

Environmental Priority Ranking			
Act Loc	EPR Date	EPR Status	EPR Notes
NY	<u>3/31/1992</u>	1	
NY	<u>9/30/1995</u>	1	

SIC Information				
Act Loc	Seq	Source	Code	Primary
NY	<u>0001</u>	R	5171	P

Other Permit Information			
Act Loc	Number	Type	Permit Description
NY	<u>63000142</u>	E	
NY	<u>NY0004961</u>	N	

Activity Summary Information										
Act Loc	Source	Seq	Receipt Date	Gen - Fed Reg.	Trans - Fed Reg.	TSD - Fed Reg.	HW Fuel - Fed Reg.	Used Oil - Fed Reg.	UIC	Recy
NY	<u>A</u>	1	9/23/1990	-	-	X - R	-	-		
NY	<u>E</u>	1	7/14/1999	SQG - R	-	X - R	-	-		
NY	<u>N</u>	1	2/10/1994	LQG - R	X - R	-	-	-		

Hazardous Waste Stream Information							
Act Loc	Sequence	Source	Date	Amount	Unit of Measure	Desc	
NY	<u>0001</u>	A	9/23/1990	155000	T		
NY	<u>0001</u>	N	8/18/1980	0			

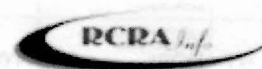
Go To



URL: /Handler/HAND\_info\_main.asp



## Handler - Handler Search



Enter the Handler Name, City and State you wish to search on:

Handler Name:

Wildcard searches are allowed (i.e. %dupont%, auto%, etc.).

City:

Wildcard searches are allowed (i.e. Ft%, %ville, etc.).

State:

[Search](#) [Cancel](#) [Clear](#)

Your search has found 17 handler(s).

### Search Results

Act Loc	Handler Name	EPA Id	Street No.	Street Address	City	State	Zip Code	County	Universes
NY	<a href="#">MOBIL OIL CORP</a>	NYD982719247	1499	HYLAN BLVD	STATEN ISLAND	NY	10309	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS #HTP</a>	NYD040398828	3981	HYLAN BLVD & NELSON AVE	STATEN ISLAND	NY	10308	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS 434</a>	NYD986935641	1680-30	RICHMOND AVE	STATEN ISLAND	NY	10314	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS AY1</a>	NYD986956191	868	ARTHUR KILL RD	STATEN ISLAND	NY	103122106	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H10</a>	NYD986956134	1723	RICHMOND RD	STATEN ISLAND	NY	103062524	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H1M</a>	NYD986956126	2150	HYLAN BLVD	STATEN ISLAND	NY	103063429	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H2R</a>	NYD986956183	5103	AMBOY RD	STATEN ISLAND	NY	103124722	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H2W</a>	NYD986956209	741	FOREST AVE	STATEN ISLAND	NY	103102401	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H3C</a>	NYD986956159	2895	RICHMOND AVE	STATEN ISLAND	NY	103145811	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H3M</a>	NYD986956118	830	BAY ST	STATEN ISLAND	NY	103043702	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS H4W</a>	NYD986956142	2294	FOREST AVE	STATEN ISLAND	NY	10303	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS HVY</a>	NYD986956092	1234	FOREST AVE	STATEN ISLAND	NY	103102426	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS HW9</a>	NYD986954956	3701	AMBOY RD	STATEN ISLAND	NY	103082519	RICHMOND	
NY	<a href="#">MOBIL OIL CORP SS HWG</a>	NYD986956175	1774	VICTORY BLVD	STATEN ISLAND	NY	103143512	RICHMOND	
NY	<a href="#">MOBIL OIL PORT MOBIL TERMINAL</a>	NYD000824516		FOOT OF ELLIS RD	STATEN ISLAND	NY	10309	RICHMOND	CAWRKLD <input type="button" value="v"/>
NY	<a href="#">PORT MOBIL TANK CLEANING PLANT</a>	NYD981138258	4101	ARTHUR KILL RD ELLIS RD	STATEN ISLAND	NY	10309	RICHMOND	



NY	VICTORY MOBIL SERVICE	NYD986956100	1262	CLOVE RD	STATEN ISLAND	NY	10301	RICHMOND	
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**Cancel**

URL: /HANDLER/Handler\_srch.asp

NYD 981 138 258

June 1999.

## **UPDATE ON PORT MOBIL-STATEN ISLAND**

### **Background.**

Mobil is involved in the transfer and storage of large quantities of petroleum products. There are 60 aboveground storage tanks, including a wastewater treatment facility, and two RCRA regulated surface impoundments. In September 1993, Mobil notified EPA about the following waste management operational changes:

- The generation of hazardous waste from the barge cleaning operations, which was previously stored in drums, was discontinued.
- The wastewater collected from the API separators, which was previously discharged into the RCRA regulated surface impoundments, had ceased.

On October 2, 1995, EPA issued a 3013 Order to Mobil. The Order required a soil and groundwater investigation of the site and the impact of contamination migrating from the site into the Arthur Kill.

The following significant events occurred from October 1, 1995 to the present.

### **Interim Corrective Measure (ICM)**

Based on the results of the extensive soil and groundwater Geoprobe investigation survey that Mobil conducted in the bulkhead area along the Arthur Kill, including sampling results of several groundwater monitoring wells in the same area, Mobil submitted an Interim Corrective Measures Investigation (ICMI) report to us on March 14, 1996. The ICMI report contained results of soil and groundwater investigation performed in the bulkhead area, which abuts the Arthur Kill on the Northwest portion of the facility. EPA completed its review of the ICMI on October 17, 1996.

The ICMI report indicated that the light non-aqueous phase liquid (LNAPL) in the bulkhead area consisted of a mixture of gasoline and biodegraded fuel. The LNAPL is present in four wells and five borings near the former Southern Recovery System and the northern portion of the facility. In addition, ten other wells had concentrations of benzene above 1,000 ppb on different portions of the bulkhead area.

Because of the LNAPL contamination in the bulkhead area and its potential impact to the Arthur Kill, on October 17, 1996 EPA approved Mobil's proposal to implement an ICM. The ICM proposal consisted of the direct removal of LNAPL through pumping and high vacuum extraction.

Subsequently, on October 30, 1996, Mobil notified EPA that pilot tests for the ICM were completed, and that an engineering design needed to be developed prior to its full scale implementation.

On February 20, 1997, Mobil notified EPA that none of the five technologies it tested for removal of the LNAPL were proven fully successful. As an alternative, Mobil proposed an ICM consisting of a thermal enhanced product recovery system, which includes the construction of three interceptor trenches, backfilled with processed stone and located parallel to the bulkhead bordering the Arthur Kill. A recovery well was placed near the midpoint of each trench to enable recovery of LNAPL which accumulates in the trenches. Each well is equipped with a pump. In addition, to reduce viscosity of the product and accelerate recovery, two subsurface steam loops were installed (buried) at the nominal depth of the water table, approximately 6 feet below grade, parallel and upgradient of the recovery trenches/wells. Thus, subsurface temperatures are elevated to 115 °F to obtain a viscosity of less than five centipoise, considered necessary for product recovery by conventional pumping.

The final engineering design for the ICM was approved on June 4, 1997, and construction commenced on July 30, 1997 with recovery operations beginning in November 1997. Since the start up of the recovery system, Mobil submits ICM progress reports to EPA on a quarterly basis. The latest quarterly report for the period of January-March 1999 submitted on May 19, 1999 indicates that in more than one year of operation, the ICM system has removed approximately 50 gallons of LNAPL. It also reported that 100 cubic feet of contaminated soil were removed from the Siphon Building, and was disposed of off-site. The Siphon Building is located downgradient of the surface impoundment.

An ICM completion report will be submitted by Mobil within 60 days after field operations are concluded, and once the ICM has achieved its goal of removing the LNAPL in accordance with clean up levels required by EPA's guidelines and regulations.

As to other contaminated portions of the facility, including portions in the bulkhead area without LNAPL, Mobil will submit a clean up-proposal in the final RFI Report based on the results of both a human health and ecological risk assessments that it is currently performing.



## **ICM Chronology of Events**

- 11-19-95 EPA approves the ICM Investigation Workplan (Phase II) for monitoring well locations and sampling criteria.
- 03-14-96 Mobil submits an ICM Investigation report, which describes the results and recommendations at the Bulkhead investigative area. In addition, a risk assessment strategy for the bulkhead area was submitted.
- 10-17-96 EPA grants a partial approval to treat and remove the free liquid hydrocarbon trapped in soil and groundwater.
- 11-12-96 Mobil submits an "ICM Bulkhead Area Pilot Test Report."
- 11-17-96 Mobil begins the implementation of the ICM to remove/treat the free liquid petroleum hydrocarbons (initially planned but later retracted.) Pilot testing and engineering design will be completed by December 30, 1996 (initially planned but later retracted.)
- 01-08-97 EPA comments on risk assessment strategy proposed by Mobil. Mobil's proposal was found deficient.
- 02-20-97 Mobil reported that none of the five technologies evaluated in the pilot tests to remove LNAPL worked. It also reported a new discovery: "an old Bulkhead was found underground and LNAPL is trapped between this and the current Bulkhead." EPA, of course, doesn't agree with this unsubstantiated claim.
- 03-21-97 EPA reviewed Mobil's November 12, 1996 ICM Pilot Test Report, and recommended the use of an enhanced groundwater recovery system with subsurface heating as selected remedy to remove and treat the LNAPL. An engineering design was requested by May 7, 1997.
- 05-22-97 Mobil submits a final design for remedial technology to remove the LNAPL
- 07-30-97. Mobil commences implementation of ICM (e.g., soil excavation and construction.)
- 09-03-97 EPA meets with Mobil and Consultants at the facility to discuss the health risk assessment. After the meeting EPA, conducted an inspection of the excavation and installation of the LNAPL removal/treatment equipment. The system is planned to be fully operational by November 1997.
- 10-13-97 Mobil's quarterly progress report from July to September 1997.
- 11-01-97 ICM System begins recovery operations.
- 11-20-97 Meeting at the site among Fluor Daniel GTI (Nick Hastings and Chris Bona), Mobil (Steve Trifiletti) and EPA (Wilfredo Palomino) to inspect the ICM system.
- 01-29-98 Mobil submits the first ICM Quarterly Report. An ICM O&M Manual is submitted along with minor operational adjustments. Approximately 13 gallons of product was recovered during this period.
- 02-10-98 Conference call among Fluor Daniel GTI (Mobil's consultant), Mobil and EPA to discuss EPA's draft RFI comments. It was decided that the Bulkhead Area Risk Assessment (submitted as part of the ICM

- Investigation) would be expanded to the full facility for incorporation into the final RFI Report. Conference call notes and a Risk Assessment completion schedule were developed after this conference call.
- 04-21-98 Mobil submits the quarterly progress report from January to March 1998. A total of twenty-three gallons of product was recovered to this date.
- 07-30-98 Mobil submits the quarterly progress report from April to June 1998. A total of 43 gallons of product was recovered to this date.
- 10-14-98 Conference call between EPA and Mobil's contractor (Fluor Daniel GTI) to discuss the performance of the ICM recovery system. GTI informed EPA that approximately 50 gallons of product were recovered in a period of one year.
- 2/11/99. Mobil submits the Oct.-Dec. 1998 ICM Quarterly Report. The Siphon Building excavation was proposed, and the O&M was also revised to include the new recovery sump.
- 5/10/99. Mobil submits the January-March 1999 ICM Quarterly Report. Approximately 100 cubic yards of gasoline contaminated soil was removed and disposed of off-site.

### **RCRA Facility Investigation (RFI.)**

Under the 3013 Order, Mobil submitted the RCRA Facility Investigation (RFI) Workplan on November 17, 1995. We conditionally approved Mobil's RFI Workplan on March 29, 1996. The condition is that Mobil demonstrate to EPA that it has correctly installed and is maintaining a groundwater monitoring system around the surface impoundments at the facility consistent with RCRA requirements.

Field work started on April 15, 1996. As part of the Contaminant Distribution Survey, the drilling of 74 borings was completed on June 4, 1996. All existing wells were redeveloped and assessed for use during the RFI by Mobil, and on August 9, 1996, Mobil submitted an RFI Well Placement Proposal. EPA found this proposal unacceptable. In a meeting on December 18, 1996, Mobil agreed to substantially modify its RFI well placement proposal and EPA found this new proposal to be acceptable. On March 14, 1997, Mobil notified EPA that it has completed the installation of the new RFI wells, and on May 8, 1997 all RFI sampling was completed. The RFI Report was submitted on July 2, 1997. EPA reviewed the RFI Report on March 19, 1998 and found it deficient. Mobil submitted responses to EPA's comments along with the facility wide Risk Assessment Report on June 18, 1998. The data validation and QAPP of the RFI Report were reviewed by EPA (DESA) and found them acceptable, but the Risk Assessment Report and the conclusions of the RFI Report are still inadequate.

The Quarterly Report covering January-March 1999 states that Mobil will propose its final corrective action strategy to EPA by September 1999.

### **RFI Chronology of Events**

11-17-95	Mobil submits the RFI Workplan.
03-18-96	Mobil agrees with EPA requirements and submit an addendum to its RFI Workplan.
03-29-96	EPA approves RFI Workplan.
04-15-96	Implementation of RFI begins.
06-4-96	Mobil implements Contaminant Distribution Survey.
07-15-96	Redevelopment and assessment of monitoring wells.
08-09-96	Mobil submits contaminant distribution survey results and proposes monitoring well locations to EPA.
12-18-96	Meeting between technical personnel of EPA and Mobil. Proposed well location found insufficient. Mobil was required to submit a revised RFI well placement proposal reflecting the required changes within a week.
12-30-96	A revised well placement proposal was submitted.
01-27-97	EPA approves preliminary contaminant results and well placement locations.
03-14-97	Mobil completes the RFI well installation. There was a delay in this



task due to weather conditions and the difficulty of installing deep wells.

05-08-97 Mobil completes groundwater sampling and slug testing.

07-02-97 Mobil submits the draft RFI Report (a document with 16 volumes of data).

01-27-98 Conference call to discuss EPA's preliminary comments on the RFI.

02-10-98 Quarterly progress report covering activities from October to December 1997. Fluor Daniel GTI, Mobil, Tech Law (as EPA contractor), and EPA held a telephone conference to discuss an expanded site conceptual model, receptors, etc. and to determine timing of the facility wide Risk Assessment report.

03-19-98 EPA completes review of RFI Report. Discrepancies were found on site hydrogeology, data validation, conclusions and recommendations of the report.

03-26-98 Mobil requests a 30-day extension to submit the revised RFI Report. Reason for the request: the existing bulkhead assessment is being expanded to include the RFI data set.

04-15-98 EPA approval letter granting a 30-day extension to submit the RFI Report.

06-18-98 Mobil responses to EPA's 3/19/98 comments on the RFI Report (erratum sheets for edited pages).

06-18-98 Mobil submits the facility wide Risk Assessment Report.

07-14-98 Mobil's Addendum (tables) to the June 1998 Risk Assessment Report.

07-27-98 DESA informs RPB that Mobil's responses on RFI Report-data validation are satisfactory. There are not outstanding QAPP issues.

07-30-98 Mobil's quarterly progress report from April to June 1998.

09-18-98 EPA completes review of Risk Assessment Report. The report requires several changes. There are inconsistent references to guidelines and regulations, incomplete exposure parameters, and actual exposure of LNAPL.

10-06-98 Mobil requests a 45-day extension to submit a revised Risk Assessment Report, and request a meeting at the facility to discuss the overall Corrective Action strategy, which would consist in combining the various facets of the project under one comprehensive Corrective Action plan.

10-14-98 EPA grants Mobil an extension until December 4, 1998 to complete the Risk Assessment Report, and welcome Mobil's request to hold a meeting to discuss the current status and future activities for the overall Corrective Action strategy. The meeting has been scheduled for December 16, 1998 at EPA Region 2.

12-03-98 Revised Risk Assessment Report was submitted.

12-16-98 Meeting between EPA and Mobil at the facility.

01-11-99 Mobil splits groundwater samples with EPA's consultant TechLaw.

02-11-99 Mobil submits the Oct.-Dec. 1998 RFI Quarterly Report.

02-17-99 EPA sent comments on the Risk Assessment to Mobil.

03-17-99 Mobil responded to EPA Risk Assessment comments. Several changes were made to the report, but Mobil still refuses to change erroneous conclusions. This response is under review by EPA. A meeting will be scheduled to discuss with Mobil the outstanding deficiencies.

## GROUNDWATER MONITORING SYSTEM

Since 1991, there are five monitoring wells installed around the surface impoundments (SIs). According to Mobil's annual groundwater monitoring reports (1992-1998), three of these wells are downgradient wells (MH-1, N-43 and OW/MW-3) and two are upgradient wells (MH-2 and MH-3.) The first annual report for the year 1992 was submitted on October 11, 1993. It showed concentrations of benzene of up to 75 ppb in downgradient well OW/MW-3, and the following concentrations for the upgradient wells: 2,500 ppb of benzene for well MH-2, and up to 41,000 ppb of TOC for MH-2. Levels of TOX up to 510 ppb and 220 ppb were found in wells N-43 and OW/MW-3 respectively. In addition, all downgradient wells showed levels of lead in concentrations greater than 30 ppb. Benzene was detected in wells MH-1 and OW/MW-3, and ethyl benzene and xylene in well OW/MW-3. The 1992 report stated that the downgradient wells were installed with the purpose of monitoring potential migration from the surface impoundments into the groundwater.

In 1993, benzene was again detected in both the downgradient and upgradient monitoring wells. The contamination detected in the upgradient wells, however, was higher than in the downgradient wells. This is explained by the contaminant contribution from other areas of the facility upgradient to the surface impoundments. Therefore, we concluded that the 1992 upgradient sampling results cannot be used as a background groundwater quality in the uppermost aquifer near the facility since the upgradient wells are impacted by contamination from units other than the SI.

Mobil is required (but refuses to comply) to determine background levels by taking samples from groundwater which, are not affected from contamination sources at the facility. However, as part of the RFI, background samples upgradient from the facility were obtained, which showed the average benzene concentration to be approximately 25 ppb.

On July 29, 1997, Mobil has submitted the Groundwater Sampling and Analysis Plan (GSAP), which was revised on January 16, 1998. The GSAP was found acceptable by EPA (DESA). Also, pending QA/QC issues from the 1992-1998 have been satisfactorily addressed by Mobil. However, there are outstanding deficiencies to be addressed by Mobil.

### Outstanding issues:

1. The determination of the extent of migration and concentrations of hazardous waste constituents in the groundwater on a quarterly basis until final closure of the surface impoundments [40 CFR 265.93(d) (7.)] Annually, until final closure of the surface impoundments, Mobil is required to submit a report containing the results of the groundwater quality assessment program which includes, but is not limited to, the calculated (measured) rate of migration of hazardous waste constituents in the groundwater during the reporting period as per 40 CFR 265.94(b)(2).

2. To install a sufficient number of background wells at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that represent the quality of background water unaffected by releases from the SI. The sampling results submitted so far, were obtained from wells showing groundwater contamination. Therefore, these areas were affected by the groundwater contamination, and cannot be considered background levels as per 40 CFR 265.93(a) (1)(i) and (ii). Wells MH-2 and MH-3 are located in the vicinity of the Tank Farm area and wells MH-1, N-43 and OW/MW-3 monitor potential migration from the SI.

3. Inconsistent results in concentrations of benzene obtained in 1992 as compared with the values obtained in 1993, were provided. Mobil reported an abrupt decrease in levels of benzene concentrations. Mobil sustains that comparison of benzene levels was not required under Federal regulations.

4. Statistical comparisons are required by 40 CF 265.93(b). However, this comparison is applicable only when background levels have been adequately established. In the case of Mobil, the samples taken in 1992 were extracted from a contaminated area at the facility, which according to Mobil is the "representative of the background data." EPA disagrees with Mobil's contention. Mobil must obtain adequate background levels from an area at the facility which is non affected by contamination. These background levels must be statistically compared with the sampling results obtained each year and they must be reported in the annual groundwater monitoring reports.

### **Chronology**

10-11-93	Mobil submits first year groundwater monitoring report 1992.
04-01-94	Mobil submits second year report 1993. The report was subsequently revised on May 10, 1994 and July 8, 1994.
10-31-94	EPA completes review of 1993 report and revisions. QAPP comments were still pending.
05-10-94	Mobil responses to EPA comments on the 1993 data.
02-23-95	Mobil submits third year data 1994.
02-27-96	Mobil submits fourth year data 1995.
08-26-96	EPA comments on the 1995 groundwater monitoring report, including comments on outstanding deficiencies for years 1992-1994. No formal groundwater sampling and analysis plan (GSAP) was submitted by facility to this date.
02-26-97	Mobil submits 1996 Groundwater Monitoring Report.
03-21-97	Mobil's notification to EPA that groundwater quality assessment plan shows that TOC measured in samples from one of the downgradient wells at the SI during the 1996 sampling event was higher than background values by statistically significant amount.
08-28-96	EPA clarification on 08/26/96 correspondence.
09-27-96	Mobil responses to our 8/26/96 comments. Mobil claims that GSAP was submitted to EPA as part of its Part B permit application.



06-13-97 EPA comments on the 1996 Groundwater Monitoring report. EPA also reviewed Mobil's responses on the 1992-1995 reports.

07-07-97 EPA comments on Mobil's 9/27/96 groundwater sampling and analysis plan (GSAP).

07-28-97 Mobil responses on the 6/13 1992-1996 groundwater monitoring reports.

01-16-98 Mobil submits a revised GSAP.

02-26-98 Mobil submits 1997 Groundwater Monitoring Report.

05-06-98 EPA comments on the revised GSAP were sent to Mobil via a facsimile.

05-15-98 Mobil revisions on the GSAP to incorporate changes due to EPA's new groundwater sampling SOP dated March 16, 1998, as required by EPA on 5/6/98.

06-05-98 Mobil GSAP revisions (via a facsimile).

08-13-98 EPA Comments on the revised GSAP (via Internet).

08-18-98 EPA comments on the 1997 Groundwater Monitoring Report. We included outstanding comments submitted for previous years (1992-1995).

09-14-98 Mobil responses to comments provided by EPA on the 1997 Groundwater Monitoring Report. Mobil requests a meeting to discuss EPA's specific objections and provide further clarification in person. The meeting will be held on December 16, 1998.

12-08-98 EPA review/comment on Mobil's Response to 8/18/98 comments.

12-16-98 Meeting at the Mobil facility. Mobil proposed and EPA will evaluate whether the issue regarding the location of the surface impoundments (SI) upgradient monitoring wells can be on hold until it is determined whether the SI's can be closed and addressed under the corrective action program. Upon Mobil's request, EPA also agreed to hold in abeyance response to its 12/12/98 annual groundwater monitoring letter pending development of the site-wide corrective action strategy the facility is proposing.

02-24-99 1998 RCRA Groundwater Monitoring Report submitted by Mobil.

## **CLOSURE PLAN**

### **Chronology of Activities**

11-25-91 Mobil submits Part B RCRA permit application.

09-13-93 EPA sends a NOD.

10-19-93 Mobil requests a meeting, and a 30-day extension to submit responses to NOD.

10-27-93 EPA grants request until December 8, 1993.

11-29-93 Mobil confirmation letter stating EPA granted extension for submission of response to NOD (on the Part B) to two weeks after a meeting between EPA and Mobil. Meeting to be held to discuss Closure Plan portion of Part B at Mobil's request. Mobil intends to withdraw its Part B permit application except the closure portion. EPA requests facility to submit in writing its position on the closure issue. Closure Plan is due on December 15, 1993.

12-15-93 Mobil submits a Closure Plan. A meeting was scheduled for January 11, 1994.

01-11-94 Meeting between EPA and Mobil at Region II. ORC was present. Mobil told revised Closure Plan submitted in December 1993 was deficient. One additional month was granted to submit a revised Closure Plan.

02-11-94 Mobil submits another Revised Closure Plan. No mention of Delayed Closure.

04-21-94 Teleconference between EPA and Mobil to discuss Closure Plan was held. Peg Lawrence of McLaren/Hart (Mobil's Contractor) spoke at the phone conference.

07-08-94 EPA issues a NOD. Response from Mobil due by August 22, 1994.

07-14-94 Meeting with Mobil at Region 2. Agreement made that Mobil's response to the Closure Plan NOD could be held in abeyance while a 3008(h) Order was negotiated. Pending successful negotiations of the Order within a 6-month time frame, EPA would incorporate the closure requirements within the Order thereby circumventing the necessity of a response to the NOD. As per agreement, (January 11 and July 14 meetings), Mobil will address all soil and groundwater issues associated with the surface impoundments under corrective action (unless a post closure permit becomes necessary in which case they will be addressed under the corrective action portion of a post closure permit). Therefore, at the January 11, 1994 meeting EPA agreed that all soil and groundwater concerns connected with the surface impoundments to be addressed under corrective action. July 14, 1994 meeting allowed NOD response to be postponed until 3008(h) order negotiated within a 6-month time frame. NOD concerns addressed within Order.

04-08-96 EPA issues a NOD on Closure Plan.

10-11-96	DOJ on behalf of EPA agrees "to defer further consideration of the closure until the Court rules on the pending motion to dismiss the averaging defense." Subsequently, the Court ruled on EPA's favor.
08-07-98	EPA renews its prior request to Mobil to submit a revised Closure Plan.
08-21-98	Mobil requests an extension until October 19, 1998 to submit a Closure Plan.
09-18-98	EPA grants an extension until October 19, 1998 to submit a revised Closure Plan . . .
10-16-98	Mobil submits a revised Closure Plan.
12-16-98	Meeting at the Port Mobil Facility. Mobil proposed and EPA will evaluate whether facility can "clean" close the surface impoundments and address any subsurface soil and groundwater contamination through the corrective action process. They would decontaminate the liner, remove sediments and water, and then reuse the surface impoundments for storm water retention ponds. Mobil does not intend to sample soil below the liner. They believe that the soil is saturated and that any contamination present under the liner would migrate to the downgradient monitoring wells. In addition, if the SI are closed, the issue of regarding the upgradient monitoring wells could be resolved. Currently, EPA and Mobil are debating if the upgradient monitoring wells used for the semiannual groundwater monitoring of the surface impoundments are properly located. This issue has been ongoing for sometime. By applying a facility wide groundwater monitoring approach to the site, then this issue can be resolved
03-15-99	EPA sent the Notice of Deficiency on the Closure Plan (a 46-page document that includes engineering and cost analysis).
05-28-99	Mobil submits a revised Closure Plan (the fourth plan since 1991).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION II  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

NYO 981138278

9/29/95

OCT - 2 1995

Mr. Lucio A. Noto  
Chairman and Chief Executive  
Mobil Oil Corporation  
3225 Gallows Road  
Fairfax, Virginia 22037

Dear Mr. Noto:

Please find attached an Administrative Order issued by the Regional Administrator of the U.S. Environmental Protection Agency, Region II, under section 3013 of RCRA, 42 U.S.C. § 6934, concerning the Port Mobil facility located at 4101 Arthur Kill Road, Staten Island, New York 10307.

This Order is based on the Regional Administrator's determination that the presence or release of hazardous waste at Mobil's Staten Island facility may present a substantial hazard to human health or the environment and warrants further investigation to ascertain the nature and extent of such hazard.

EPA Region II looks forward to working with Mobil to conduct an appropriate investigation of the facility. In that regard, I call your attention to Section XXV on page 54 of the Order which affords Mobil the opportunity to confer with EPA. I would like to advise you, since I am the contact person for setting up such a conference, that I will be out of the office from October 2 through October 9. If Mobil wishes to set up a conference during that time, please contact William K. Sawyer, Chief, Air, Waste & Toxic Substances Branch, Office of Regional Counsel at (212) 637-3196.

The Region looks forward to hearing from you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stuart N. Keith", is written over the word "Sincerely,".

Stuart N. Keith  
Assistant Regional Counsel  
Air, Waste & Toxic Substances Branch  
Office of Regional Counsel

cc w/attach: Bonnie Sullivan, Mobil - Fairfax  
cc w/o attach: Ed Erlenmeyer, Port Mobil - Staten Island



## REGION II

SUBJECT: RCRA § 3013 Order - Mobil Oil Corporation

FROM: Conrad Simon, Director  
Air and Waste Management Division

Walter Mugdan  
Acting Regional Counsel

TO: Jeanne M. Fox  
Regional Administrator

We submit for your approval a unilateral administrative Order, attached below, to be issued pursuant to Section 3013 of RCRA, 42 U.S.C. § 6934, which authorizes the issuance of orders to conduct monitoring, testing, analysis and reporting where the Administrator determines, upon receipt of any information, that the presence or release of hazardous waste may present a substantial hazard to human health or the environment. The authority vested in the Administrator has been delegated to the Regional Administrators by EPA Delegation 8-20.

The Order is intended for issuance against Respondent Mobil Oil Corporation. Respondent is engaged in the storage and distribution of gasoline and other petroleum products from a facility located on Staten Island in the City of New York (the "facility").

The Order finds that Respondent has stored various petroleum products at its facility and that there have been releases of these products via spills, storage tank leaks, discharging of contaminated tank bottom sludge, and other methods to soils and groundwater at the facility, and to the Arthur Kill. Because these wastes are hazardous, their release by Respondent may present a substantial hazard to human health or the environment.

The Order requires Respondent to perform a site-wide RCRA Facility Investigation (RFI) at the facility in order to characterize the rate and extent of vertical and horizontal migration of hazardous waste in soils and groundwater at and adjacent to the facility.

We believe that a determination by you that the presence and the release of hazardous waste at the facility may present a substantial hazard to human health or the environment is warranted, based on the releases which have occurred over the past 15 years as documented by the Region's RCRA Facility Assessment ("RFA"), by state authorities, and by studies conducted by contractors on behalf of Mobil at the facility, as the attached proposed § 3013 Order sets forth. Recent sampling conducted in August of 1995, showed evidence of free product and high pollutant concentrations, especially benzene in amounts well over the TC limit, in the groundwater.

The background of this § 3013 Order is as follows. As early as 1978, New York State Department of Environmental Conservation officials became aware of petroleum product spills into the Arthur Kill from the Mobil facility. In 1986, New York State issued a Consent Order to Mobil which acknowledged groundwater contamination at the facility. Mobil has, during these years, undertaken efforts to remove contaminants from the soil and groundwater, but the facility is far from attaining acceptable soil and groundwater quality levels. In 1992, a RCRA Facility Assessment (RFA) was conducted at Mobil's Staten Island facility to determine the need for corrective action. The Final RFA Report, completed by EPA's contractor and dated July 1993, concluded there were a total of 62 solid waste management units (SWMUs) and one area of concern (AOC) at the facility, in addition to several contaminated groundwater plumes and soil contamination. The report suggested that an RFI be conducted at 42 SWMUs and at the AOC. Subsequent to the issuance of the Final RFA Report, EPA began working with Mobil towards undertaking corrective action at the facility. Mobil began to take steps in the direction of corrective action, albeit slowly, and finally submitted a proposed RFI Workplan in July of 1994, as well as plans to deal with more immediate corrective measures. Up to this time, the submission of these plans has not been done in response to any EPA order or permit requirement on Mobil and the process has been slow.

Concerned that these activities were essentially "voluntary" on the part of Mobil, resulting in a slower pace of cleanup efforts, EPA proposed that the various corrective action activities be set forth in a legal document in the form of a RCRA section 3008(h) Order on Consent which was sent to Mobil on February 21, 1995 with an invitation to negotiate its terms.

During the course of these negotiations, which began shortly after February 21, 1995, EPA informed Mobil that it had referred several violations of RCRA statutes and regulations concerning the operation of liquid hazardous waste surface impoundments at the the facility to the Department of Justice. EPA had previously informed Mobil of these violations in a Notice of Violation issued on August 23, 1993, and had told Mobil that corrective action and enforcement activities would be handled separately. Nevertheless, upon EPA's informing Mobil of the referral to Justice, Mobil promptly suspended the negotiations regarding the 3008(h) Order and has refused to return to the bargaining table.

At this time, Mobil is working with the Region on an Interim Corrective Measures Investigation of one area of contamination, the Bulkhead Area, because of its proximity to the Arthur Kill and the potential for off-site contamination. However, we want this 3013 Order in order to obtain a more thorough investigation of all areas of the facility, which Mobil has refused to do, as

explained in the paragraph above.

Upon your issuance of the Order, please sign the four attached copies and return for service to Stuart Keith, Office of Regional Counsel.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II

-----  
IN THE MATTER OF:

MOBIL OIL CORPORATION,  
  
RESPONDENT

ADMINISTRATIVE ORDER

DOCKET No. II RCRA-95-3013-0205

Proceeding under Section 3013  
of the Resource Conservation and  
Recovery Act, as amended.

-----  
I. Preliminary Statement

1. This Administrative Order ("Order") is being issued to Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia, ("Respondent") by the Regional Administrator of the United States Environmental Protection Agency - Region II, 290 Broadway, New York, New York, 10007-1866 ("EPA"), pursuant to Section 3013, 42 U.S.C. § 6934, of the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), codified at 42 U.S.C. § 6901 et seq. ("the Act"). This Order concerns Port Mobil Terminal, 4101 Arthur Kill Road, Staten Island, New York, 10307.



2. Section 3013 of the Act, 42 U.S.C. § 6934, authorizes the Administrator of the United States Environmental Protection Agency to issue an order requiring monitoring, testing, analysis, and reporting he deems reasonable to ascertain the nature and extent of any situation where, upon receipt of any information, the presence of hazardous waste at a facility or the release of any such waste from a facility may present a substantial hazard to human health or the environment.

3. The authority vested in the Administrator has been delegated to the Regional Administrators by EPA Delegation Number 8-20.

4. The Regional Administrator of Region II, by and through authority duly delegated from the Administrator of EPA, having been presented with information concerning the presence of hazardous waste being treated, stored or disposed at the facility as described below, with information concerning releases of hazardous wastes from this facility, and with information that these circumstances may present a substantial hazard to human health or the environment, hereby issues the following Findings of Fact, Conclusions of Law and Determination, and Order that are set forth below pursuant to Section 3013 of the Act.

## II. Parties Bound

1. This Order, and the responsibilities and obligations it imposes, shall apply to and bind the Respondent, its present and future officers, directors, officials, employees, agents, servants, trustees, receivers, successors, or assigns. This Order shall apply to and be binding upon corporations, subsidiaries, contractors, independent contractors, subcontractors, or consultants who conduct, monitor or perform any work pursuant to or required by this Order, provided that such parties shall however, only be responsible for the parts of this Order that such parties have been engaged, authorized, and/or directed by Respondent to perform.

2. Regardless of Respondent's employ of, or contractual agreement with, any entity named in paragraph 1 of this section, the Respondent remains ultimately liable for failure to carry out, or comply with, any term or condition imposed by this Order.

3. All contractual agreements entered into by Respondent aimed at satisfying its responsibilities or obligations under this Order shall strictly comply with the terms and conditions of this Order. In addition, Respondent shall, within one week of the effective date of this Order and/or immediately, upon

hiring, provide a copy of this Order, and any relevant documents, to all contractors, subcontractors, laboratories, consultants, or any entity retained to conduct, monitor or perform any work pursuant to this Order.

4. Respondent shall give notice, and a copy, of this Order to any successor in interest prior to any transfer of ownership or operation of the facility, and shall notify EPA's designated contact thirty (30) days prior to any such transfer.

5. No change in the Respondent's corporate form or in the ownership of the Facility shall in any way alter or alleviate Respondent's responsibility and obligation to carry out all the terms and conditions of this Order.

### III. Findings of Fact

1. Section 3006(b) of the Act, 42 U.S.C. § 6926(b), permits the Administrator of the EPA to authorize a state environmental program to operate a hazardous waste program. The New York State Department of Environmental Conservation ("NYSDEC") received final authorization to administer the pre-HSWA hazardous waste program as of May 29, 1986 (51 Fed. Reg. 17737 (May 15, 1986)). The State of New York has received

authorization for most HSWA requirements on May 22, 1992. EPA retains, however, its authority to issue orders pursuant to Section 3013 of the Act.

2. Respondent is a corporation doing business in the State of New York.

3. Respondent is the owner and operator of a "facility" as defined by RCRA located at 4101 Arthur Kill Road, in Staten Island, a borough of New York City, in the state of New York, described in Section III.6 below.

4. Pursuant to Section 3010 of the Act, 42 U.S.C. § 6930, Respondent notified EPA in 1980 of its hazardous waste activity at the facility located at 4101 Arthur Kill Road, but did not submit a permit application.

5. Pursuant to Section 3005(e) of the Act, 42 U.S.C. § 6925(e), on September 21, 1990, Respondent submitted to EPA a Part A Hazardous Waste Permit Application for hazardous wastes which became newly regulated under the Toxicity Characteristic ("TC") Rule, 55 Fed. Reg. 11798, March 29, 1990. On its Part A application, Respondent stated it stored and treated at the facility located at 4101 Arthur Kill Road, the following hazardous wastes in tanks and surface impoundments: benzene (D018); 1,2-dichloroethane (D028); hexachloroethane (D034);



tetrachloroethylene (D039); trichloroethylene (D040). These hazardous wastes are defined in 40 C.F.R. § 261.24.

A revised Part A dated September 23, 1991 indicated that Respondent stored (treatment was not indicated) the above wastes in surface impoundments only (tanks were not indicated).

6. Facility Description:

Respondent is the owner and operator of a petroleum storage and distribution facility which is known as Port Mobil Terminal or Port Mobil and which is located at 4101 Arthur Kill Road on Staten Island, in the state of New York (hereinafter "the Facility"). The Facility is bounded to the north and the west by the Arthur Kill, a body of water separating Staten Island from New Jersey, to the south by Charleston, a residential section of Staten Island, and to the east by the Clay Pit Pond State Park Preserve (a popular nature preserve and recreational area with hiking and horse trails which had over 27,300 visitors during the fiscal year ending March 31, 1994). The Facility and the surrounding area to the north and northeast are zoned industrial by the City of New York. However, there are residential areas, including an elementary school, within a half mile of the Facility to the southeast. The Facility encompasses approximately 203 acres.

The Facility operations, which have been conducted since the 1930s, are essentially the storage and transfer of petroleum

products. The total petroleum products storage capacity at Port Mobil is 125 million gallons, or 2.98 million barrels. The annual throughput at the facility was 1.4 billion gallons, or 33.3 million barrels in 1990.

The physical layout of the Facility is as follows. The Facility is dominated by 47 large above-ground tanks for the storage of petroleum products at the site with a capacity to store 125,000,000 gallons. Each of the 47 tanks are from approximately 30 to 60 feet in height and most are placed in three rows approximately 200 feet apart and extend along the southern boundary of the facility in an area known as the "Tank Farm".

Directly north of the Tank Farm and adjacent to the Arthur Kill are two large surface impoundments, referred to by Respondent as the Upper and Lower Holding Ponds. These surface impoundments have a combined capacity of 3,000,000 gallons and have been used to store wastewaters generated from the cleaning of petroleum and similar fuels from ocean going vessels, from stormwater runoff and from other operations at the facility. EPA sampling in 1993 confirmed the presence of benzene in excess of the Toxicity Characteristic threshold and ignitable waste in the Lower Holding Pond. This portion of the Facility is referred to as the "Surface Impoundment/North Beach Area".

At the western end of the Facility, adjacent to the Arthur Kill, are numerous berths for the unloading and loading of maritime vessels which come and go through the Arthur Kill.

This area is referred to as the "Bulkhead Area" and runs from north to south along the western edge of the Facility. Also here are the equipment for removing the materials from the barges, the cleaning equipment, several small buildings, and a small tank area.

Port Mobil also receives petroleum products from the Colonial Pipeline which runs from Texas to New Jersey. Mobil has its own pipeline, to transfer petroleum products from New Jersey, which runs under the Arthur Kill and is generally above ground inside the facility.

According to Federal Emergency Management Agency Flood Insurance Map panel number 360497 0123 C, portions of the facility are within the 100-Year Floodplain.

Waste is generated at the Facility from the cleaning of ocean going vessels including barge water and barge scale, from the leaks or spills from product storage tanks or pipes, and from stormwater runoff which collects spilled contaminants at the site.

#### 7. Documentation of Releases and Actions Already Taken:

An extensive examination of documents submitted by and pertaining to the Facility reveals that there have been numerous releases of hazardous wastes and/or hazardous constituents and other contaminants at the Facility. The effect of these

releases has been contamination of the groundwater, surface water and soil.

a) Groundwater Contamination

Evidence of documented releases at Mobil begins in the late 1970s. On or about October 17, 1978, Mobil employees discovered the presence of petroleum product floating on the surface of the groundwater beneath the Facility in the vicinity of the Surface Impoundment/North Beach area. On or about November 3, 1981 Mobil discovered additional petroleum in the groundwater beneath the site near Mobil's terminal office and warehouse, in the southern end of the Facility. Around the time of these discoveries, another groundwater plume was discovered beneath the Tank Farm. As a result of these discoveries, Mobil installed several recovery wells to remove the petroleum from the groundwater. At least three groundwater plumes, including the North Beach Groundwater Plume, the Tank Farm Groundwater Plume, and the Southern Groundwater Plume, have been identified at the Facility. At one of the areas of contamination, Mobil's contractor stated in a report prepared for Mobil on the contamination that

Measurements of the depth to the hydrocarbon surface and hydrocarbon/water interface have been made in the existing observation wells and indicate that hydrocarbons are found in thickness ranging from 0.01 to 6 feet in some observation wells, while in others, hydrocarbons are absent. ( Attachment #19 to "Remedial Recovery of



Hydrocarbons From the Water-Table System at Mobil Oil Corporation's Port Mobil Terminal, Staten Island, New York", prepared for Mobil Oil Corporation in May 1980 by Leggette, Brashears & Graham, Inc.)

According to a 1992 study done for Mobil by McLaren-Hart, entitled "Summary of Soil and Groundwater Investigations" a single one of the recovery wells, the North Beach Recovery Well, produced an estimated 830,000 gallons of spilled petroleum from the groundwater over a twelve year period. Despite Mobil's recovery of spilled petroleum contamination of the soil and groundwater remains in these areas.

According to the Final RCRA Facility Assessment Report ("Final RFA Report") submitted by EPA's contractor, A.T. Kearney, Inc. in July of 1993, at least one of these groundwater recovery wells has been inactive since the early 1980s, but another well, the North Beach Recovery Well was actively removing free floating product in late 1991, about which time the well collapsed in on itself. A photograph included in this same document, taken during the visual site inspection in March of 1992, shows the Southern Groundwater Plume Recovery Well (described at the time as "currently inactive") with a bright sheen on the surface, presumably evidence of petroleum contamination.

In February and March of 1982, Mobil notified the Coast Guard regarding a sheen detected on the Arthur Kill next to the Bulkhead area at the Facility. Mobil and its contractors determined that the sheen was the result of free product

hydrocarbons which had accumulated in the groundwater and had leaked through holes in the bulkhead directly adjacent to the Arthur Kill. Mobil subsequently repaired the holes and installed groundwater recovery wells to remove contaminants and ameliorate or prevent contaminants from reaching the Arthur Kill. However, Mobil has acknowledged that the bulkhead is not designed to prevent contamination from reaching the Arthur Kill.

On March 17, 1986, Mobil and the New York State Department of Environmental Conservation ("NYSDEC") entered into a Consent Order which acknowledged the presence of petroleum product in the groundwater beneath the facility, stated that in the opinion of NYSDEC the contamination was a violation of New York state law, and required Mobil to continue to monitor the contamination of groundwater and to take action to remove contaminants if monitoring revealed any such contamination.

Mobil has supplied to EPA and the New York State Department of Environmental Conservation ("NYSDEC") recent groundwater sampling results on a limited number of existing groundwater monitoring wells. These samples were taken as part of the Annual Major Oil Storage Facility (MOSF) License Sampling under New York state requirements. These requirements, imposed by NYSDEC, direct Mobil to conduct annual sampling of thirteen (13) groundwater monitoring wells and submit the results to NYSDEC. The analytical results of the sampling is shown in the tables which follow.

Table I on the next page shows sampling conducted over several years between 1988 and 1994. The farthest left hand column of the graph indicates the letter and number of the monitoring well, for example N-32. The top column of the graph represents the month and year that the sample was taken. The numbers in the boxes represent total BTEX (benzene, toluene, ethylbenzene, and xylene) in parts per billion for that well for that sample. It is important to note that there is no overall decline in the figures. Some wells, such as I-2 and N-46, have shown increased levels in more recent years. Other wells, such as N-45 and I-3, have shown fluctuations in the levels of contamination. Still other wells, such as I-5 and I-6, were reported by Mobil as "not sampled due to the presence of free product" in 1993 and 1994. The presence of free product, that is liquid petroleum, indicates significant quantities of contaminants and a greater potential for contamination than if only residual components of petroleum are found.

It should be noted that one of the components of BTEX, benzene, is defined under 40 C.F.R. § 261.24 as a hazardous waste if a sample contains 500 parts per billion of benzene. The Maximum Contaminant Level (MCL), which represents the maximum concentration of contaminants allowed in water used for drinking under the Safe Drinking Water Act, is 5 parts per billion for benzene. Toluene is a hazardous constituent listed in Appendix VIII to 40 CFR Part 261. Many of the samples below contain total BTEX in excess of 10,000 ppb.

TABLE I

Annual Major Oil Storage Facility (MOSF) Wells:  
Total BTEX reported in Parts per billion (ppb)

	9/88	4/89	4/90	4/91	4/92	4/93	5/94
I-1	ND	2	6.6	ND	1	ND	5.6
I-2	126	180	43.6	153	143	95.4	340
I-3	189	138	39.8	1039	608	1941	39.5
I-4	303	ND	9.4	16.1	4	5.2	2.7
I-5	26,000	NS*	910	NS*	5410	NS*	12800
I-6	43,100	33,500	85	45,100	NS*	NS*	NS*
N-32	NS*	2108	108	1509	917	952.5	780
N-40	NS*	7604	63	14,403	13,302	20,159	11190
N-42	NS	1102	14.1	40	1121	930.7	362.2
N-43	NS	ND	11.8	ND	ND	3	ND
N-45	NS	79	43	748.2	1828	1625.4	848
N-46	NS	913	30.4	182	732	1426	3610

## Notes:

ND - Not Detected

NS - Not Sampled

NS\* - Not Sampled due to the presence of free product.

Six of the monitoring wells in the above table, well numbers I-1 through I-6, are located in the Tank Farm area and, as shown above, indicate the presence of contamination in the groundwater in this area. In addition, the following table reveals contamination in the groundwater in the vicinity of the surface impoundments. This sampling was conducted for EPA in order to determine the impact of the surface impoundments on the groundwater under 40 C.F.R. § 265.92 and includes various hazardous constituents listed in 40 CFR Part 261, Appendix VIII and other contaminants.

TABLE II

Annual RCRA Groundwater Monitoring Report (figures represent the highest concentration at a single monitoring well and are in parts per billion).

	1992	1993
Benzene	2500	52
Toluene	<250	7.1
Ethylbenzene	<250	4.7
Xylene	<250	26
Iron (total)	22,000	28,000
Mn (total)	8400	3,600
Sodium (total)	690,000	330,000
Phenols (Total)	64	50



Sulfate (Total)	425,000	28,000
Chloride	915,000	490,000
TOX	4060	460
TOC	42,000	35,475
Arsenic (total)	18	NA*
Barium (total)	1200	NA*
Cadmium (total)	6.3	NA*
Chromium (total)	21	NA*
Lead (total)	33	NA*
Mercury (dissolved)	0.36	NA*
Selenium (total)	< 5	NA*
Silver	< 10	NA*

\*NA = Not Analyzed.

More recently, in attachments to a letter dated September 20, 1995, Mobil submitted data, at EPA's request, from samples taken at several locations in the Bulkhead Area in August of 1995. One of the attachments, a map entitled "ICM Investigation Preliminary Benzene Data, (Figure 6B)" dated September 14, 1995, shows eight samples in six different locations in the Bulkhead Area above 1800 ppb of dissolved benzene in the groundwater. The same map shows seven samples at six other locations in the Bulkhead Area with concentration above 500 ppb of dissolved benzene in the groundwater. In all, fifteen groundwater samples were above 500 ppb, which is the threshold concentration for determining toxicity under 40 C.F.R § 261.24, and therefore the

concentration levels of these samples would be high enough to be a hazardous waste under RCRA. The sample with the highest concentration was 7000 ppb. Four other sampling points, immediately adjacent to the Arthur Kill, showed measurable liquid phase petroleum, which is indicative of even more serious contamination.

Furthermore, it should be noted that the preliminary data submitted by Mobil over the course of these investigations suggests that the direction of groundwater flow is off-site towards the Arthur Kill.

#### b) Soil Contamination

In addition to the above-documented groundwater contamination, there is documented soil contamination. To date, soil sampling has been conducted primarily in the Tank Farm area. According to the RFA completed by A. T. Kearney for EPA, a review of materials supplied by Mobil shows that the soil around the Tank Farm was regularly contaminated with tank bottoms, the materials found at the bottom of a tank after emptying, which were released directly to the soils prior to the installation of impermeable liners and catch basins in 1990 and 1991. When the liners were installed, Mobil excavated contaminated soil which was removed and deposited in the Excavated Soils Area, which the EPA considers to currently be a

Solid Waste Management Unit in the Final RFA Report. Although some soil was excavated, contaminated soil was also left in place in several areas. According to the Final RFA Report, these soils are suspected to be highly contaminated and Mobil has not to date provided EPA with analytical confirmation that such was not the case.

In addition to this practice of releasing tank bottoms into the soil prior to the installation of liners, there have been several documented leaks of product from many of the tanks and/or the pipes leading to or from the tanks in the Tank Farm area which have produced soil contamination. For example, in 1990, a leak at the base of Tank 14 caused the contamination of at least 125 cubic yards of soil which was not removed. Also in 1990, leaks from pipes around Tanks 16 and 58 outside of the bermed or diked areas caused soil contamination to 150 and 200 cubic yards of soil respectively.

Further evidence of soil contamination is contained in McLaren-Hart's 1992 report entitled "Summary of Soil and Groundwater Investigations - Mobil Oil Corporation". Soil sampling conducted around three tanks yielded the following analytical results from samples taken in 1990:

	Tank 14	Tank 16	Tank 58
Xylene	20.300	4.9	1.44
BTEX	21.32	7.31	1.55
TPHC	18,400	15,800	10,700

The above figures are in ppm (parts per million) and represent the sample with the highest level of contamination from several soil samples taken at each site. TPHC represents total petroleum hydrocarbons. Some of the samples were taken from soil several feet below the surface.

As mentioned above, a RCRA Facility Assessment was conducted at Port Mobil Terminal by A.T. Kearney, Inc. in 1992 pursuant to a contract with EPA. The purpose of the assessment was to study available written data regarding the facility to determine if there was a need for a further, more comprehensive, investigation of the facility. The Final RFA Report was issued in July 1993 and concluded, based on the materials reviewed and evidence of contamination at the facility, that indeed further investigation was warranted. Specifically, the Final RFA Report identified 62 "solid waste management units" (SWMUs) and 1 "area of concern" (AOC) at different locations at the facility. "Solid Waste Management Unit" and "Area of Concern" are RCRA terms referring to areas of potential contamination and the Agency normally focuses its corrective action in these areas. These appear in Table III on the next page.

TABLE III  
PORT MOBIL TERMINAL  
SOLID WASTE MANAGEMENT UNITS (SWMUs) AND AREAS OF CONCERN  
(AOCs)

## SWMU No.

1. Road Trench
2. Wastewater Transfer Lines
3. Tank Farm Catch Basins
4. Former API Separator Site
5. Primary API Separator
6. Utility API Separator
7. Vacuum Tank 1 (High Flash Tank)
8. Vacuum Tank 2 (Low Flash Tank)
9. Hydrocarbon Monitor Catch Basins
10. Waste Storage Tank No. 41
11. Waste Storage Tank No. 48
12. Waste Storage Tank No. 60
13. Lower Holding Pond \*
14. Upper Holding Pond \*
15. Dravo Water Treatment System
16. Container Storage Pad
17. Excavated Soils Area



- 18. North Beach Recovery Wells
- 19. North Beach Recovery Well Holding Tank
- 20. Southern Groundwater Plume Recovery Well
- 21. Boiler House Recovery Well
- 22. Tank No. 41 Dike
- 23-62. Tank Farm Dikes

\* regulated under Subtitle C of RCRA.

#### AOCs

- A. PCB Transformer Sites

#### 8. Exposure Pathways:

Hazardous wastes and/or hazardous constituents may migrate from units at the Facility into the environment through the following pathways:

- a) Groundwater: Hazardous wastes and/or hazardous constituents can enter the groundwater from spills and leakage from above ground storage tanks from which there have been either releases or leaks of liquids into the soil, both of which then penetrate the soil and enter the groundwater. Contaminants could also enter via leaking surface impoundments or leaking underground conveyances such as pipes or tubes.

- b) Soils: Soils receive these contaminants as the result of the release of tank bottoms and spills and/or leaks from product storage tanks and related conveyances such as pipes, etc.
- c) Surface Water and Sediment: Treated liquids are still released into the Arthur Kill under a state pollutant discharge elimination system (SPDES) permit. These surface waters may also receive hazardous wastes and/or hazardous constituents as a result of surface runoff from contaminated soils and discharge from contaminated groundwater. At present there is evidence that at least one of the groundwater plumes is moving in the direction of the Arthur Kill.
- d) Air: Some of these contaminants evaporate into the air. Furthermore, aeolian activity can suspend fine, silt-sized particles along with hazardous wastes and/or hazardous constituents in the air and transport them off-site, depending on the wind conditions.

## 9. Human Health Effects of Contamination

As set forth above, a number of hazardous wastes and/or hazardous constituents and other contaminants have been detected

in the groundwater and soils at Respondent's Facility. These contaminants and some of their potential toxicological effects are set forth below in alphabetical order (Source: Hazardous Chemicals Desk Reference, Third Edition, by Richard Lewis, Sr. copyright 1993 by Van Nostrand Reinhold):

- a) Arsenic: Confirmed human carcinogen producing liver tumors. Poison by subcutaneous, intramuscular, and intraperitoneal routes. Human systemic skin and gastrointestinal effects by ingestion. An experimental teratogen.
- b) Barium: Water and stomach acids solubilize barium salts and can cause poisoning. Symptoms are vomiting, colic, diarrhea, slow irregular pulse, transient hypertension, and convulsive tremors and muscular paralysis. Death may occur in a few hours to a few days.
- c) Benzene: A known human carcinogen, producing myeloid leukemia, Hodgkins's disease, and lymphomas by inhalation. Experimental carcinogenic, neoplastigenic, and tumorigenic data. A human poison by inhalation. An experimental poison by skin contact, intraperitoneal, intravaneous, and possibly other routes. Human mutation data reported.

- d) Cadmium: Confirmed human carcinogen with known carcinogenic, tumorigenic, and neoplastigenic data. A human poison by inhalation and possibly other routes.
- e) Ethylbenzene: Moderately toxic by ingestion and intraperitoneal route. Mildly toxic by inhalation and skin contact. An experimental teratogen. Other experimental reproductive effects.
- f) Iron: A poison by intraperitoneal route. Questionable carcinogen with experimental tumorigenic data.
- g) Lead: A suspected carcinogen. Poison by ingestion. Moderately toxic by intraperitoneal route. Human systemic effects by ingestion and inhalation: loss of appetite, anemia, malaise, insomnia, headache, irritability, muscle and joints pains, tremors, flaccid paralysis without anesthesia, hallucinations and distorted perceptions, muscle weakness, gastritis and liver changes.
- h) Mercury: Poison by inhalation. Corrosive to skin, eyes, and mucous membranes. Human systemic effects by inhalation: wakefulness, muscle weakness, anorexia, headache, tinnitus, hypermotility, diarrhea, liver changes, dermatitis, fever.

- i) Phenol: Human poison by ingestion. An experimental poison by ingestion, subcutaneous, intravenous, parenteral, and intraperitoneal routes. Moderately toxic by skin contact. A severe eye and skin irritant. Chronic exposures can cause death from liver and kidney damage.
- j) Selenium: Poison by inhalation and intravenous routes. Questionable carcinogen with experimental tumorigenic and teratogenic data.
- k) Silver: Human systemic effects by inhalation: skins effects. Inhalation of dusts can cause argyrosis. Questionable carcinogen with experimental tumorigenic data.
- l) Toluene: Poison by intraperitoneal route. Moderately toxic by intravenous and subcutaneous routes. Mildly toxic by inhalation. An experimental teratogen.
- m) Xylene: Moderately toxic by intraperitoneal and subcutaneous routes. Mildly toxic by ingestion and inhalation. An experimental teratogen. Human systemic effects by inhalation: olfactory changes, conjunctiva irritation, and pulmonary changes. Experimental reproductive effects.



#### 10. Recent Work at the Facility

In July of 1994, Mobil submitted a RCRA Facility Investigation Workplan in response to the RFA and the Region's concern over contamination at the Facility. After a series of disagreements over technical issues, a meeting was set up in June of 1995 to resolve issues relating to the RFI. Mobil cancelled this meeting and has not since given any indication of its intent to voluntarily submit an approvable site-wide study plan or to execute such a plan. Therefore, as of this date there is no agreement between EPA and Mobil on any RFI to be performed at the facility. Mobil's initial efforts toward producing an RFI Workplan proceeded to date without any obligation on Mobil to continue to perform such work, allowing Mobil to suspend work on a site-wide plan. This has undermined EPA's ability to ensure such work is performed in a timely manner in accordance with legal requirements and agency technical protocols for investigatory work.

Mobil has submitted a plan for certain Interim Corrective Measures to address contamination in the Bulkhead Area of the facility, and EPA has approved initial phases of this work. However, this plan addresses only the Bulkhead Area, a discrete portion of the facility, and is intended to determine whether immediate remedial actions must be taken to prevent a threat to human health or the environment from releases of hazardous waste to the Arthur Kill. While useful, this work is being conducted

voluntarily, leaving continued implementation of the work entirely at Mobil's discretion. Furthermore, the ICM investigative work is not designed to investigate possible sources of contamination located outside of the Bulkhead Area. The purpose of this Order is to insure the entire facility is investigated, including all possible sources of contamination and to determine the nature and extent of contamination in a more extensive and systematic manner.

#### IV. Conclusions of Law and Determination

Based on the Findings of Fact set out above, and the administrative record for this Order, the Regional Administrator, EPA Region II, has determined as a matter of law, that:

1. Certain wastes found at Respondent's Facility are hazardous waste.

2. Respondent is the owner and operator of a facility at which hazardous waste is, or has been, stored, treated, or disposed of.

3. There is or has been a release of hazardous waste to the environment from the Respondent's Facility.

4. The Regional Administrator has determined, based on the information received, that the presence of hazardous waste at Respondent's facility and the release of such waste may present a substantial hazard to human health or the environment.

5. The actions required to be taken pursuant to this Order are deemed reasonable to ascertain the nature and extent of this hazard.

V. Order: Work To Be Performed

Pursuant to Section 3013 of the Act, 42 U.S.C. § 6934, the Regional Administrator, EPA, Region II, hereby issues the following Order to the Respondent. All work undertaken pursuant to this Order shall be performed in a manner consistent with the plans, reports, and schedules approved by EPA. The Respondent shall perform the following, in the manner and by the dates, specified below.

1. RCRA Facility Investigation ("RFI")

- a) Respondent shall undertake and complete a RCRA Facility Investigation program ("RFI"), in accordance with the EPA guidance document entitled "RCRA Corrective Action Plan (Final)" (hereinafter "CAP") published in May of 1994 and the terms, procedures and schedules approved by EPA. This RFI program shall be implemented in accordance with the Act, its implementing regulations and all relevant EPA guidance documents. As part of this RFI, Mobil will demonstrate to EPA that it has correctly installed and is maintaining a groundwater monitoring system around the surface impoundments at the facility consistent with RCRA requirements specified in 40 CFR 265.91, 265.92, 265.93, and 265.94. (Quarterly and Annual groundwater reports for the groundwater monitoring at the surface impoundments shall be submitted to EPA according to the schedule approved by EPA. Annual reports are due by the end of the first quarter of the following year.)
- b) The RFI program will be for the entire facility as defined and described in III.6. Respondent may, with EPA approval, incorporate and utilize ongoing work,

such as the ICM in the Bulkhead Area, and/or any other work already completed by Respondent which has been approved by EPA.

- c) The Respondent shall submit a RFI Workplan developed in accordance with the CAP, within thirty (30) days from the effective date of this Order. The RFI Workplan shall contain, at a minimum, the information required by the CAP and a proposed schedule of activities. Respondent shall thereafter undertake the RFI in accordance with the RFI Workplan as approved by EPA including any modifications required by EPA.
- d) Within sixty (60) days following the completion of all investigations required for the RFI program under this Order, the Respondent shall submit for EPA review a Draft RCRA Facility Investigation Report ("Draft RFI Report") in accordance with the CAP.
- e) EPA will notify the Respondent whether the Draft RFI Report has been completely or partially approved, disapproved, or requires modification. Upon EPA disapproval or request for modification, the Respondent shall prepare a Final RFI Report to present the findings of all Facility investigative studies and the investigation analysis. This Final RFI Report



shall incorporate changes responsive to EPA's comments on the Draft RFI Report. The Final RFI Report shall, unless another deadline is agreed to by EPA, be submitted to EPA no later than sixty (60) days following disapproval or modification of the Draft RFI Report. If EPA, after review of the document submitted by Respondent, believes it requires further modification, EPA will so inform Respondent and Respondent shall resubmit a modified Final RFI Report within forty-five (45) days. If the Draft RFI Report is approved by EPA, it will serve as the final Report required by this Order.

2. Progress Reports/Requests for Extension of Time

- a) Progress Reports. The Respondent shall submit quarterly progress reports to EPA until termination of this Order. The Respondent shall submit quarterly reports to EPA within forty five (45) days following the end of a quarter. The Reports shall contain the following: 1) a summary of all activities performed pursuant to the Order during the previous quarter; 2) a summary of all analytical results that have become available during the previous quarter; 3) supporting QA/QC documentation, in accordance with the approved

"Quality Assurance Project Plan"; and 4) the information required to be reported in the CAP. For the purposes of this Order, quarterly reporting periods are defined as follows:

First (1st) Quarter - October 1 to December 31

Second (2nd) Quarter - January 1 to March 31

Third (3rd) Quarter - April 1 to June 30

Fourth (4th) Quarter - July 1 to September 30

- b) If the Respondent determines that any work required under this Order cannot be completed within the specified period, a request for an extension period must be submitted, in writing, to EPA for approval. This request shall be submitted no later than thirty (30) days prior to the originally scheduled completion date and must be accompanied by a Project Progress Summary Report which describes all of the investigative work completed to date, describes the work which still must be accomplished, details the factors which have prevented adherence to the specified schedules, and justifies the duration of the specific extension period requested. EPA will notify the Respondent whether the request has been completely

or partially approved, disapproved, or requires modification.

### 3. Scopes of Work

- a) The RCRA Facility Investigation shall, at a minimum, meet the requirements set forth in the CAP, unless otherwise stated in this Order.
- b) The Respondent shall provide written justification for any omissions or deviations from the minimum requirements set forth in the CAP. Any omissions or deviations are subject to EPA's approval as set forth in Section X of this Order.
- c) For purposes of completing the investigations required pursuant to this Order, the Respondent may combine units that are adjacent to each other, manage similar wastes, or otherwise address identical critical remedial action issues together (e.g., ground water contaminated with the same constituents).
- d) The Respondent may conduct the RFI in a phased approach (e.g., conducting soils investigation after

ground water investigation) provided that the entire investigation is completed in accordance with the schedules contained in this Order or otherwise approved by EPA.

- e) The results of all plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by EPA, pursuant to the modification provision of this Order, based on the Respondent's demonstration that sufficient justification for the extension exists.

#### VI. Additional Work

EPA may determine that investigative work, in addition to that detailed in this Order and the CAP is necessary to protect human health or the environment. If EPA determines that any such additional work is necessary, it shall notify the Respondent in writing specifying the basis and reason for EPA's determination and the additional work deemed necessary. Within fifteen (15) days after receipt of any such notice, the Respondent shall be afforded an opportunity to meet with EPA to discuss the additional work required by EPA. If Respondent disagrees with EPA's determination that additional work is

necessary, Respondent shall specify in its Response the basis and reasons for disagreeing with EPA's determination. If, within twenty (20) days of Respondent's response, the Parties are unable to resolve a dispute concerning additional work, the Dispute Resolution provisions of Section XXIV shall be invoked. Thereafter, the Respondent shall submit a workplan for such work determined to be necessary as a result of the dispute resolution process and shall perform any such additional work, in accordance with the standards, specifications, and schedules deemed necessary and approved by EPA. All approved additional work performed by the Respondent pursuant to this paragraph shall be performed subject to, and in a manner consistent with, the terms and conditions of this Order. Any requirements for additional work shall be deemed incorporated into this Order as if fully set forth herein.

#### VII. Minimum Qualifications for Personnel

All work performed by the Respondent pursuant to this Order shall be under the direction and supervision of an individual(s) who has demonstrated expertise in hazardous waste site investigations and remediation. Before any work is performed, Respondent shall notify EPA in writing of the name, title, and qualifications of the supervisory personnel and contractors or



subcontractors and their personnel to be used in carrying out the terms of this Order. In addition, the Respondent shall ensure that when a license is required, only licensed individuals shall be used to perform any work required by this Order.

#### VIII. Project Coordinator/Information

1. Within ten (10) days of the effective date of this Order, EPA and Respondent shall designate a Project Coordinator ("PC") and the name of at least one alternate who may function in the absence of the designated PC. The PCs shall be responsible for overseeing the implementation of this Order. The EPA PC, or his alternate, will be EPA's designated representative at the Facility.

2. All communications between Respondent and EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed to and through the respective PCs. Unless otherwise specified, reports, correspondence, approvals, disapprovals, notices, or other submissions relating to or required under this Order shall be in writing and originals or copies shall be sent to:

2 copies: Chief

Hazardous Waste Facilities Branch  
U.S. EPA  
290 Broadway  
New York, N.Y. 10007-1866

1 copy: Project Coordinator  
Hazardous Waste Facilities Branch  
U.S. EPA  
290 Broadway  
New York, N.Y. 10007-1866

1 copy: Director  
Bureau of Hazardous Compliance and Land Management  
Division of Solid and Hazardous Materials  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233-4016

1 copy: Regional Director  
New York State Department of Environmental  
Conservation - Region 2  
47-20 21st Street  
Long Island City, N.Y. 11101

3. Each party shall provide at least five (5) days written notice prior to changing the PC(s) and shall immediately provide written notification once a new PC is selected.

#### IX. Quality Assurance/Quality Control

1. All sampling, monitoring, analytical, and chain-of-custody plans shall be developed in accordance with the standards and recommended procedures contained in SW-846 - "Test Methods for the Chemical and Physical Analysis of Solid Waste", third edition, as amended, and the EPA Region II Quality Assurance Manual. Any deviations from these two documents must

be accompanied by an appropriate justification and a demonstration of the effectiveness and applicability of the proposed alternative. EPA must approve the use of such alternatives.

2. Respondent shall inform the EPA Project Coordinator in advance which laboratories will be used by Respondent and ensure that EPA personnel and EPA-authorized representatives have access to the laboratories and personnel performing any analyses. In the event that EPA or its representatives cannot satisfactorily obtain access to the laboratories for any reason for the purposes of auditing protocols and technical proficiency, then EPA shall so inform the Respondent and the Respondent shall, within sixty (60) days, substitute another certified laboratory which provides access in a manner deemed satisfactory to EPA.

3. Respondent shall consult with EPA in planning for field sampling and laboratory analysis, including a description of the chain of custody procedures to be followed.

#### X. EPA Approvals

1. Unless otherwise specified, EPA shall review any plan, report, specification or schedule submitted pursuant to, or required by this Order, and provide its written approval,

disapproval, comments and/or modifications to the Respondent. Unless otherwise specified by EPA, the Respondent shall submit a revised document within thirty (30) days of its receipt of EPA's written comments and/or suggested modifications. Any such revised document submitted by the Respondent shall incorporate changes responsive to EPA's comments and/or suggested modifications. EPA will then approve the revised document or modify the document and approve it with any such modifications. Alternatively, EPA may request Respondent to further revise the document and to resubmit, for EPA approval, the revised document with changes responsive to EPA's comments or suggested modifications according to a schedule established by EPA. The revised document, as approved by EPA, shall become final. All final approvals shall be given to the Respondent in writing.

2. Unless otherwise specified, within (60) days of receipt of EPA's final written approval, the Respondent shall commence work approved by EPA. Respondent shall complete the work in accordance with the schedule approved by EPA. Any noncompliance with such EPA approved plan, report, specification, or schedule shall be considered a violation of this Order.

3. Any reports, plans, specifications, or schedules, submitted pursuant to, or required by this Order, are hereby incorporated by reference into this Order effective ten (10) days following the date written approval of such document is

given by EPA. Prior to this written approval, no plan, report, specification or schedule shall be construed as finally approved. Verbal advice, suggestions, or comments given by EPA representatives will not constitute an official approval, nor shall any verbal approval or verbal assurance of approval be considered binding.

#### XI. On-site and Off-site Access

1. Until this Order is terminated pursuant to Section XX, Respondent shall permit EPA representatives, authorized designees, employees, agents, contractors, subcontractors, or consultants to enter and freely move about the Facility for, but not limited to, the following purpose(s):

- a) Interviewing Facility personnel, contractors (including subcontractors and independent contractors), or any other entity or individual responsible for implementing any aspect or portion of this Order; inspecting records relating to the Facility and this Order;
- b. Conducting sampling, monitoring, or any other such activity related to this Order; using a camera, sound recording, video or any other documentary type equipment; or,



- c. Verifying the reports and data submitted to EPA by the Respondent.

2. The Respondent shall make available to EPA, or any of the persons named in paragraph 1 of this section, for inspection, copying, or photographing, all records, files, photographs, documents, or any other writing, including monitoring and sampling data, that pertain to any work undertaken pursuant to this Order.

3. To the extent that work required by this Order must be performed on property not owned or controlled by the Respondent, the Respondent shall use its best efforts to obtain a "Site Access Agreement" to perform such work within thirty (30) days of the date Respondent becomes aware or should be aware of a need to perform such work. Any such Access Agreement shall provide for reasonable access by EPA, and any of the persons listed in paragraph 1 of this section. In the event that a Site Access Agreement is not obtained within the thirty-day period, the Respondent shall notify EPA, in writing, documenting its best efforts to obtain such agreements. Best efforts, as used in this paragraph, shall include, at a minimum:

- a) A certified letter from the Respondent to the present owner of such property requesting permission to allow

the Respondent, EPA and any of their authorized representative(s) access to such property; and

b) The property owner's response, if any.

4. Nothing in this Order shall be construed to limit or otherwise affect EPA's right of access and entry pursuant to any applicable laws and regulations, including the Act and the Comprehensive Environmental Response Compensation and Liability Act of 1980 "CERCLA", as amended, 42 U.S.C. § 9601 et seq.

5. Nothing in this section shall be construed to limit or otherwise affect the Respondent's liability and obligation to perform corrective action, including corrective action beyond the Facility boundary, notwithstanding the lack of access. EPA may determine in the future that additional on-site measures must, pursuant to another Order, permit, or plan, be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

6. Nothing in this section shall be read so as to be inconsistent with the proper exercise of constitutional rights by Respondent.

XII. Emergency Provisions

1. If EPA determines that activities in compliance or non-compliance with this Order, have caused or may cause a release of a hazardous waste or hazardous constituent, or may pose a threat to human health or the environment, EPA may direct Respondent to stop further implementation of this Order, or a portion of this Order, for such period of time as may be needed to abate any such release or threat and/or undertake any action which EPA determines to be necessary.

XIII. Availability of Information/Notification

1. Respondent shall give the EPA Project Coordinator twenty (20) days advance oral notice of the following activities undertaken pursuant to this Order: all well monitoring activities, including, but not limited to, drilling, installation and testing; and all on-site and off-site field activities, such as installation or removal of equipment, or sampling events, geophysical studies, or soil gas monitoring. At the request of EPA, Respondent shall provide or allow EPA or its authorized representatives to take split samples of any or all samples collected by the Respondent pursuant to this Order.

2. All data, information, and records created for or maintained by the Respondent pursuant to this Order shall be made available to EPA upon request. Respondent shall use its best efforts to insure that all employees of the Respondent and all persons, including consultants, contractors and subcontractors who engage in activities under this Order, are made available to, and cooperate with, EPA if information, whether written or oral, is sought.

3. All information, data, or records submitted to EPA by the Respondent shall be made available to the public including plans submitted by the Respondent in accordance with the CAP. Respondent may assert a business confidentiality claim covering all or part of any information submitted to EPA. Any assertion of confidentiality shall be accompanied by sufficient documentation to justify the requirements of 40 C.F.R. § 2.204(e)(4). Information determined to be confidential by EPA shall be disclosed only to the extent permitted by 40 C.F.R. Part 2.

#### XIV. Record Preservation

1. Respondent shall preserve or make arrangements for the preservation of, during the pendency of this Order and for a

minimum of six (6) years after its termination, as specified in Section XIX of this Order, all data, records and documents in its possession or in the possession of its division, officers, directors, employees, agents, consultants, contractors (including subcontractors and independent contractors) which relate in any way to this Order, to its implementation or to the past and/or current hazardous waste management practices at the Facility. The Respondent shall make such records available to EPA and/or shall provide copies of any documents that EPA requests. Written notification shall be provided to EPA, ninety (90) days prior to the destruction of any or all such documents. Such written notification shall reference the date, caption, and docket number of this Order and shall be addressed to the Regional Administrator of EPA Region II with copies sent to the individuals listed in Section VIII.2 of this Order.

2. All documents pertaining to this Order shall be stored in a centralized location to afford ease of access.

#### XV. Reservation of Rights

1. EPA expressly reserves, without limitation, all of its statutory and regulatory powers, authorities, rights, remedies and defenses, both legal and equitable, including the right to



seek injunctive relief, cost recovery, monetary penalties, or punitive damages.

2. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, defenses, powers and or authorities which EPA has under RCRA, CERCLA, or any other statutory, regulatory or common law authority of the United States.

3. This Order shall not limit or otherwise preclude EPA from taking any additional legal action against the Respondent should EPA determine that any such additional legal action is necessary or warranted.

4. This Order shall not relieve the Respondent of its obligation to obtain and comply with any federal, state, county or local permit, nor is this Order intended to be, nor shall it be construed to be, a ruling or determination on, or of, any issue related to any federal, state, county, or local permit.

5. EPA reserves the right to perform any portion of the work required by this Order including, but not limited to, any additional site characterization, feasibility study, and/or response deemed necessary to protect human health or the environment.

6. Notwithstanding compliance with the terms of this Order, Respondent is not released from liability for the costs of any response actions taken by EPA. EPA reserves the right to seek reimbursement from Respondent for any costs incurred by the United States.

7. If Respondent fails to comply with any terms or any provisions of this Order, EPA reserves the right to commence a subsequent action to require compliance and/or to assess a civil penalty not to exceed \$5,000 for each day of non-compliance and/or to take any other action authorized by law.

#### XVI. Non-Release of Other Claims and Parties

Nothing in this Order shall constitute, or be construed to constitute, a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of, or relating in any way to, the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituent, hazardous substance, hazardous waste, pollutant, or contaminant found at, taken to, taken from, or emanating from the Facility.

### XVII. Public Involvement

1. Respondent shall prepare a plan, in accordance with the CAP, describing how Respondent intends to disseminate information to the public regarding investigation activities and results. This plan shall identify local community organizations and environmental groups who will be notified and shall identify documents and other information to be available to such organizations and groups. EPA may contribute to the process of identifying such organizations and groups and determining which documents and information will be made available by Mobil.

2. Respondent shall maintain an easily accessible repository, either at the facility or a nearby public place, of information pertaining to the corrective action activity at the facility including workplans, reports, etc., for the benefit of the interested public.

### XVIII. Other Applicable Laws

Respondent shall undertake all actions required by this Order in accordance with the requirements of all applicable

local, state and federal laws and regulations. Respondent shall obtain all permits or approvals necessary to perform the work required by this Order.

XIX. Termination and Satisfaction

The provisions of this Order shall be deemed satisfied and the obligations of the Respondent under this Order shall terminate upon Respondent's receipt of a written statement from EPA that Respondent has completed, to EPA's satisfaction, all the terms and conditions of this Order, including any additional work which EPA may determine to be necessary pursuant to this Order. So long as the Respondent is performing work pursuant to, or required by this Order, this Order shall not be deemed terminated or satisfied. At any time after Respondent completes all of the tasks required by this Order, Respondent may request in writing that EPA provide Respondent with this statement of completion. Within ninety (90) days after any such request by Respondent, EPA will use its best efforts to provide Respondent with this statement of completion, or a written statement as to the basis for a refusal to provide Respondent with such statement of completion.

## XX. Survivability/Permit Integration

After the effective date of this Order, a RCRA/HSWA Permit may be issued to the Facility incorporating the requirements of this Order by reference into the permit. Any requirements of this Order shall not terminate upon the issuance of a permit unless the requirement(s) are expressly replaced by equivalent or more stringent requirements in the permit and EPA approves such termination.

## XXI. Modification

1. This Order may be amended by EPA. Such amendments shall have as their effective date the date on which they are signed by the Regional Administrator, Region II, EPA.

2. Notwithstanding the above, the EPA Project Coordinator and the Respondent may agree to changes in the scheduling of events. Any such changes must be requested in writing by the Respondent and be approved in writing by the EPA Project Coordinator.



3. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondent will be construed as an amendment or modification to this Order.

#### XXII. Severability

If any provision or authority of this Order or the application of this Order to any party or circumstance is found to be invalid, or is temporarily stayed, the remainder of this Order shall remain in force and shall not be affected thereby.

#### XXIII. Force Majeure and Excusable Delay

1. Respondent shall perform all the requirements of this Order within the time limits set forth, approved, or established herein, unless the performance is prevented or delayed solely by events which constitute a force majeure. A force majeure is defined as any event arising from causes not reasonably foreseeable and beyond the control of the Respondent which could not be overcome by due diligence and which delays or prevents performance by a date required by this Order. Such events do not include unanticipated or increased costs of performance,

changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits.

2. The Respondent shall notify in writing the EPA Project Coordinator within five (5) days after it becomes aware of any event, which it knows or should know, constitutes a force majeure. Such notice shall detail the estimated length of delay, including necessary demobilization and remobilization, its causes, measures taken or to be taken to minimize the delay, and an estimated timetable for implementation of these measures. Respondent must adopt all reasonable measures to avoid and minimize the delay. Failure to comply with the notice provision of this section shall constitute a waiver of Respondent's right to assert a force majeure and shall be grounds for EPA to deny Respondent an extension of time for performance.

3. After receiving such notice from Respondent that Respondent is invoking the force majeure provisions of this Order, EPA shall respond in writing indicating either EPA's agreement that the event constitutes a force majeure or its disagreement and the reasons therefore.

4. If the Parties agree that a force majeure has occurred, the time for performance may be extended, upon EPA approval, for a period equal to the delay resulting from such circumstances. This shall be accomplished through written amendment to this

Order pursuant to Section XXI. Such an extension does not alter the schedule for performance or completion of any other tasks required by this Order unless these are also specifically altered by amendment of this Order.

5. In the event the Parties cannot agree that any delay or failure has been or will be caused by a force majeure, or if there is no agreement on the length of the extension, the dispute will be resolved in accordance with the Dispute Resolution provisions contained in Section XXIV of this Order.

#### XXIV. Dispute Resolution

1. Both parties shall use their best efforts to informally and in good faith resolve all disputes and differences of opinion. Notwithstanding the above, if Respondent disagrees, in whole or in part, with any disapproval or modification or other decision or directive made by EPA pursuant to this Order, Respondent shall notify EPA of its objections and the basis (bases) therefore within fifteen (15) calendar days of receipt of EPA's disapproval, modification, decision, or directive. Said notice shall set forth the specific points of the dispute, the position Respondent is maintaining, the basis (bases) for Respondent's position, and any matters Respondent considers necessary for EPA's determination. Within thirty (30) calendar

days of EPA's receipt of such written notice, EPA shall provide to Respondent its decision on the pending dispute, which decision shall be binding on both parties to this Order.

2. If Respondent objects to any such decision, Respondent shall notify EPA in writing of its objections and may request the Director, Air and Waste Management Division, EPA Region II, (or the Director of a relevant successor Division pursuant to any institutional reorganization within EPA, Region II), to convene an informal conference for the purpose of discussing Respondent's objections and the reasons for EPA's decision. After this conference, the Division Director, or his representative for less important disputes, shall state in writing his decision. Such decision shall be the resolution of the dispute and shall be implemented immediately by Respondent.

3. The existence of a dispute as defined herein, and EPA's consideration of such matters as placed into dispute shall excuse, toll, or suspend during the pendency of the dispute resolution process the compliance obligation or deadline which is in dispute and any other obligation or deadline which is demonstrably dependent on the matters in dispute, and EPA shall not seek to assess a penalty for noncompliance with the obligation or deadline for the period of time during which the obligation or deadline was excused, tolled, or suspended, regardless of the decision on the dispute. No obligation or

deadline shall be excused, tolled, or suspended, unless Respondent exercises due diligence to resolve the dispute.

XXV. Opportunity to Confer

1. EPA hereby affords Respondent an opportunity to confer to discuss this Order and the work being required pursuant to it. If Respondent desires a conference, it may be held in the Office of Regional Counsel, 16th floor, 290 Broadway, New York, New York.
2. The conference shall focus on issues Respondent may wish to raise concerning the provisions of this Order and/or Respondent's proposal for implementing the requirements of this Order. The conference is not an evidentiary proceeding and does not constitute a formal proceeding to challenge this Order. At such conference, Respondent may appear by an attorney or other representative.
3. Confirmation of the conference scheduling must be by telephone to Stuart N. Keith, Assistant Regional Counsel, (212) 637-3217.


XXVI. Notice of Intention to Comply

Within five (5) business days following the effective date of this Order, Respondents shall provide written notice to EPA, stating whether Respondents intend to comply with the provisions of the Order. Such written notice shall be sent to Stuart N. Keith, Office of Regional Counsel, Air, Waste, & Toxic Substances Branch, U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10007.

XXVII. Effective Date

The effective date of this Order shall be twenty (20) days after the date on which the Regional Administrator, Region II, signs this Order, unless the Regional Administrator modifies or postpones such effective date.

It is so Ordered:

  
\_\_\_\_\_  
Jeanne M. Fox, Regional Administrator  
U.S. Environmental Protection Agency  
Region II  
New York, New York 10278  
Date: 9/25/85



# Mobil Oil Corporation

ENVIRONMENTAL PROTECTION  
AGENCY REGION II  
3225 GALLOWS ROAD  
FAIRFAX VIRGINIA 22037-0001  
93 FEB -2 PM 1:05

HAZARDOUS WASTE  
PROGRAMS BRANCH

January 19, 1993

U.S. EPA Region II  
Permits Administration Branch  
26 Federal Plaza, Room 505  
New York, NY 10278

N.R=N, 6 ✓  
990a  
5/10/93


Dear Sir:

Please place the following hazardous waste generator EPA I.D. number into your inactive file.

INSTALLATION: Port Mobil Tank Cleaning Plant  
Staten Island, NY 10309  
EPA I.D. NUMBER: NYD981138258

Effective January 20, 1993 this number will no longer be used.

Sincerely,

  
R. B. Maynard  
Compliance Advisor

cc: T. J. Long - Port Mobil  
W. F. Seitter - Port Mobil

NY State Department of Environmental Conservation  
Division of Hazardous Substances Regulation  
Manifest Section  
50 Wolf Road  
Albany, NY 12233



Environmental  
Awareness